

Applicant or Patentee: Nabel, et al.

Serial or Patent No.: 08/210,902

For: INHIBITION OF ARTERIAL SMOOTH MUSCLE CELL PROLIFERATION

Attorney's Docket No.: VICAL.035A

Filed or Issued: March 21, 1994

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN)

I hereby declare that I am

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: VICAL INCORPORATED

ADDRESS OF CONCERN 9373 Towne Centre Drive, Suite 100, San Diego, CA 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled INHIBITION OF ARTERIAL SMOOTH MUSCLE CELL PROLIFERATION by inventor(s) Elizabeth G. Nabel and Gary J. Nabel described in

☒ application serial no. 08/210,902, filed March 21, 1994

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor if that person had made the invention under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE:

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME: Regents of the University of Michigan

ADDRESS: University of Michigan, 3003 South State Street, Ann Arbor, MI 48109

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☒ NONPROFIT
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Alain B. Schreiber, M.D.

TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 9373 Towne Centre Drive, Suite 100, San Diego, CA 92121

SIGNATURE

DATE:

5/3/94



Applicant or Patentee: Nabel, et al.
Serial or Patent No.: 08/210,902
FOR INHIBITION OF ARTERIAL SMOOTH MUSCLE CELL PROLIFERATION

Attorney's Docket No.: VICAL.035A
Filed or Issued: March 21, 1994

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: REGENTS OF THE UNIVERSITY OF MICHIGAN
ADDRESS OF ORGANIZATION: University of Michigan, 3003 South State Street, Ann Arbor, MI 48109
TYPE OF ORGANIZATION:

- ☒ university or other institution of higher education
☐ tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
☐ nonprofit scientific or educational under statute of state of the United States of America
(name of state:)
(citation of statute:)
☐ would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America
☐ would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America
(name of state:)
(citation of statute:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled INHIBITION OF ARTERIAL SMOOTH MUSCLE CELL PROLIFERATION by inventor(s) Elizabeth G. Nabel and Gary J. Nabel described in:

☒ application Serial No. 08/210,902, filed March 21, 1994

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above-identified invention.

~~If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities in that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).~~

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME: VICAL INCORPORATED

ADDRESS: 9373 Towne Centre Drive, Suite 100, San Diego, CA 92122

☐ INDIVIDUAL

☒ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Robert L. Robb

TITLE OF PERSON OTHER THAN OWNER: Director, Technology Management Office

ADDRESS OF PERSON SIGNING: REGENTS OF THE UNIVERSITY OF MICHIGAN, University of Michigan
3003 South State Street, Ann Arbor, Michigan 48109

SIGNATURE

DATE:

5-13-94



DECLARATION AND POWER OF ATTORNEY - USA PATENT APPLICATION

As a below named inventor, I hereby declare that *#2*

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled INHIBITION OF ARTERIAL SMOOTH MUSCLE CELL PROLIFERATION; the specification of which is assigned U.S. Serial No.: 08/210,902, filed March 21, 1994;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Elizabeth G. Nabel *1-00*


Inventor's signature *Elizabeth G. Nabel*

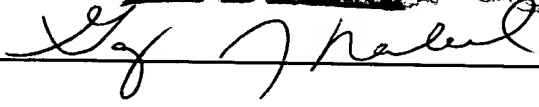
Date 5/10/94

Residence: Ann Arbor, Michigan *MI*

Citizenship: United States of America

Post Office Address: 3390 Andover Road, Ann Arbor, MI 48105

Full name of second inventor: Gary J. Nabel 

Inventor's signature 

Date 5/10/94

Residence: Ann Arbor, Michigan 

Citizenship: United States of America

Post Office Address: 3390 Andover Road, Ann Arbor, MI 48105

NSB-1440:cw/bsk2
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(619) 235-8550

ASSIGNMENT

COPY

PATENT

WHEREAS, We, Elizabeth G. Nabel, a U.S. citizen, residing at 3390 Andover Road, Ann Arbor, Michigan 48105, and Gary J. Nabel, a U.S. citizen, residing at 3390 Andover Road, Ann Arbor, Michigan 48105 have invented certain new and useful improvements in a INHIBITION OF ARTERIAL SMOOTH MUSCLE CELL PROLIFERATION for which we have executed an application for Letters Patent in the United States, Serial No.: 08/210,902, filed March 21, 1994;

AND WHEREAS, REGENTS OF THE UNIVERSITY OF MICHIGAN, University of Michigan Corporation, 3003 South State Street, Ann Arbor, Michigan 48109, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) each to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said REGENTS OF THE UNIVERSITY OF MICHIGAN, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said REGENTS OF THE UNIVERSITY OF MICHIGAN, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said REGENTS OF THE UNIVERSITY OF MICHIGAN, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said REGENTS OF THE UNIVERSITY OF MICHIGAN, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10 day of May, 1994

Elizabeth G. Nabel
Elizabeth G. Nabel

STATE OF MICHIGAN

COUNTY OF WASHTENAW

]] ss.
]]

On 5/10/94, before me, M. A. Tishma personally appeared Elizabeth G. Nabel personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Mary Anne Tishma
Signature

MARY ANNE TISHMA
Notary Public, Washtenaw County, MI
My Commission Expires April 16, 1996

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10th day of May, 1994.

Gary J. Nabel
Gary J. Nabel

STATE OF MICHIGAN

COUNTY OF WASHTENAW

]] ss.

On 5/10/94, before me, M. A. Tishma personally appeared Gary J. Nabel personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Mary Anne Tishma
Signature

MARY ANNE TISHMA
Notary Public, Washtenaw County, MI
My Commission Expires April 16, 1996